



Brussels, 14 November 2016

Re: Businesses call for more legal clarity in the draft geo-blocking regulation

Dear Deputy Permanent Representative,

Businesses across all sectors strongly support the Council's efforts to make the Single Market a reality. Focus must be on removing persistent barriers to free movement through greater harmonisation and stronger enforcement of single market rules. Removing the well-known legal and regulatory barriers is the best way to encourage cross-border provision and establishment abroad.

While supporting the geo-blocking regulation's general aim to allow all customers to browse and buy from any website without discrimination under the same terms and conditions, we call for greater legal clarity. This is an area where business and consumers interests are strongly intertwined. Both need to feel reassured on which rules apply when trading and buying across borders. Trust is one of the conditions to be able to deliver a fully functioning Digital Single Market and truly boost cross-border e-commerce.

We salute the Presidency's and the Council's efforts to seek more legal clarity, in particular regarding payments, after-sales services and traders' freedom to have different commercial offers across different sales channels in different countries. However, there is a need for greater legal clarity regarding the scope of application of the geo-blocking Regulation and law applicable to a contract.

It is of crucial importance that this proposal is not rushed, as it could have far-reaching implications for companies. We believe the Council should take more time to find appropriate legal solutions, in particular on the fundamental Article 1(5). This not least as the European Parliament has yet to make much progress on its consideration of the proposal.

You will find at annex, for your convenience, the position papers of our organisations with more specific remarks on the Commission proposal.

We trust that you will take our views into account and stand ready to discuss these important matters further with you.

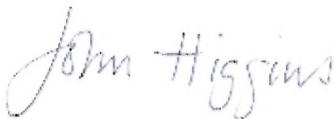
Yours sincerely,



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